

The Board of Selectmen held its regularly scheduled meeting Tuesday, June 22, 2004 in Conference Room A with all five Selectmen present. Selectman Weaver arrived after Executive Session at 7:45 PM left the Meeting at 9:19 PM and returned at 10:00 PM.

7:00 Meeting called to order.

7:01 Executive Session

Selectman Barletta moved, Selectman Wile seconded and it was voted on a roll call vote to go into Executive Session with four Selectmen (Selectman Weaver absent) and the Town Administrator, under MGL Ch39 §23B for reason #2, to consider the discipline or dismissal of, or hear complaints or charges brought against a public officer, employee, staff member or individual; for reason #3, to discuss strategy with respect to collective bargaining or litigation and to conduct strategy sessions in preparation for negotiations with non-union personnel and return to Public Session at approximately 7:40 PM. Vote 4-0.

EXECUTIVE
SESSION

Minutes of Executive Session typed and filed.

7:47 Pledge of Allegiance and Moment of Silence

Chairman Tieri announced the death of Judge Jodrey and asked that his family members be remembered by those present.

Approval of Minutes of June 8, 2004, including Executive Session

Selectman Barletta moved, Selectman Wile seconded to accept the minutes of June 8, 2004 as amended and accept the Executive Session Minutes of June 8, 2004 as typed. Vote 4-0. Selectman Weaver abstained.

MINUTES

7:50 Open Session

Chairman Tieri began Open Session by announcing that it was the Times Reporter, Josh Odell's, birthday. Those present sang "Happy Birthday to Josh".

JOSH ODELL

Alan MacMillian, 32 Mt. Pleasant Street, asked whom he should contact about low tree branches throughout Town. (DPW Office)

LOW
BRANCHES

Frederick Tarr, Marmion Way, asked when the Board planned to schedule his public hearing so he could arrange for legal representation. The Town Administrator explained that Mr. Tarr would be notified within 72 hours of the meeting.

PUBLIC
HEARING

Bard-Alan Finlan, 7 Francis Way, related an issue to the Board regarding the Building Department and the Board of Assessors. He appealed to the Board to request an audit from the State on the Building Inspectors Office.

STATE
AUDIT

8:01 Town Administrators Report

Miscellaneous & Committee Reappointments:

The Town Administrator requested that the Board review a one-page memo entitled Miscellaneous Appointments and a three-page memo entitled Committee Appointments, Resignations, and Vacancies dated June 10, 2004 from the Executive Assistant. He asked that the Board consider appointing all the individuals listed with the exception of Alan Battistelli (Board of Appeal) who was scheduled for an interview later in the Meeting and Robert Claypool (Conservation Commission), scheduled for an interview on July 6, 2004.

RE-
APPOINTMENTS

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Selectman Clark moved, Selectman Barletta seconded to appoint all the individuals listed on a one-page memo dated June 10, 2004 from the Executive Assistant per the terms set forth in the document. Vote 5-0.

Selectman Barletta stated that he was happy with the work of Town Counsel but felt that they could be used more effectively. Chairman Tieri stated that a workshop would be scheduled to discuss the terms of the contract for Town Counsel some time in the future.

Selectman Clark moved, Selectman Weaver seconded to appoint all the individuals listed in a three-page memo dated June 10, 2004 from the Executive Assistant except the two Individuals (Alan Battistelli, Board of Appeals & Robert Claypool, Conservation Commission) who had yet to be interviewed.

Selectman Weaver amended the motion to exclude the Board of Appeals Alternates and the Historical Commission, Selectman Clark accepted the amendment. Vote 5-0.

Selectman Clark moved to appoint the individuals listed in a three-page memo dated June 10, 2004 from the Executive Assistant as alternates of the Board of Appeals and the Historical Commission. Vote 4-1. Selectman Weaver recused.

Chairman Tieri announced there are vacancies on the Finance Committee, the Harbor Advisory Committee, the Historical Commission (would like person who is familiar with construction) the Personnel Board and the Insurance Committee. There are presently two vacancies on the Youth Commission.

Mel Michaels, 22 Landmark Lane, requested that the names of those appointed be read so that the audience was aware of who was being appointed. **Board of Appeals - Alternates** - one year term, Ann Fisk, John M. Krenn, Elizabeth M. Murphy **Council on Aging** - three-year term, Lilliam Duffy **Harbor Advisory Committee** - three-year term, Michael Polisson, Michael Clay, **Alternates** - one-year term, William LaMachia, **Historical Commission** - three-year term - Roberta Paine, Thoma Robertson, **Alternate** - one year term, Lawrence Reeves **Insurance Committee** - three-year term, Russell E. Daily, **Rights of Way Committee** - three-year term Ann H. Sheinwald, Richard McMullen, Barbara E. Goll. Miscellaneous appoints included one-year terms of the following individuals, Community House Coordinator - **Gwen Stephenson**, Director of Emergency Management - **Joseph Perry & Deputy Director Jennifer M. Perry**, Dog Control Officer - **Mindy Trafton**, Forest Fire Warden - **Leroy C. Silva, Jr.**, Parking Clerk - **Pauline Tressilian**, Registrar of Voters, Election Officer (three-year term) - **Frederick C. Frithsen**, Representative to Action, Inc. - **Sheila J. Irvin**, Town Counsel - **Deborah Eliason, Kopelman & Paige, P. C.**, Veterans' Agent, Burial Agent, Soldiers and Sailors and Director of Veterans' Services - **Richard York**. Also included in Miscellaneous appointments were three-year terms of the following individuals, Assistant Harbor Master - **Ron Petoff**, Shellfish Constable - **Scott Story**, Assistant Shellfish Constables - **Rosemary Lesch & Ron Petoff**.

Toby Arsenian, Granite Street, questioned the process of reappointing Town Counsel.

8:10 Summer Hours at Town Hall - Closing early on Friday PM.

The Town Administrator reviewed a proposal for Friday afternoon closing of Town Hall in Summer. He explained that the residents of Rockport would benefit from the early

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TOWN HALL
SUMMER
HOURS

closing because the Town Hall would be open on Tuesday night until 6:00PM. Other benefits to the closing would be increased parking in the area for visitors who often start arriving in Town early on Fridays and reduced use of power and air conditioning. Employees would continue to work the same number of hours by making up the time either by reducing lunch periods to ½ hour or scheduling later hours on Tuesday to compensate for the reduced hours on Friday. This closing would be temporary for the summer months and the details have yet to be worked out with Department Heads.

Selectman Clark moved, Selectman Barletta seconded to approve the Town Hall Summer hours schedule as detailed in the memorandum dated June 15, 2004, for the months of July and August 2004, with the Town Administrator to work out the details on a trial basis and review the process at the end of the summer. Vote 5-0.

APPROVED

8:23 Old Rockport High School – National Register of Historic Places:

The Town Administrator announced that the Old Rockport High School was now listed on the National Register of Historic Places. Selectman Wile pointed out that Gwen Stephenson had initiated the process to get the Community House, which was formally the Rockport High School listed on the Historic Registry. Selectman Barletta requested that a letter of thanks be sent to Gwen Stephenson and that the certificate be framed and presented to the Community House to hang on the wall.

COMMUNITY
HOUSE

Legal Update:

Selectman Weaver asked that research be completed regarding the laws for liquor licensing including the fees and benefits to a community. The Town Administrator explained he would gather information on the alcoholic beverages law.

LIQUOR
LICENSES

The Town Administrator announced that Town Counsel, Deborah Eliason, was holding a seminar on public meetings and public hearings at the Police Station at 6:30 PM on Wednesday June 23, 2004.

SEMINAR

Activities Report:

Selectman Barletta questioned what the new contract with Lyons entailed for Rockport Ambulance Services. The Town Administrator explained that Medicare has changed its rules when billing patients. The transporting ambulance now does billing. Rockport only has basic life support services (BLS) when they arrive at a scene and Advanced Life Support Services (ALS) are required Lyons Ambulance is called. In the past a portion of the costs for the call would be paid to Rockport and the remainder would be sent to Lyons. At this time and under the new contract Lyons will receive the total cost of the call and Rockport will not be reimbursed at all.

LYONS
AMBULANCE

Other Business:

Chairman Tieri announced that this would be the last meeting attended by Times Reporter, Josh Odell, who will be seeking employment in the Washington, D.C. area.

TIMES
REPORTER

Liaison Reports

Selectman Barletta reported that the North Shore Task Force met on June 16th. He presented each member of the Board with a copy of the metro plan for Boston and the 101 communities who were part of the North Shore Task Force.

NORTH
SHORE TASK
FORCE

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HOSPITAL
TASK FORCE

Chairman Tieri announced that the Hospital Task Force met the morning of June 22nd. There have been requests made from citizens for a hospital update at a scheduled meeting of the Board of Selectmen.

BILL
JOHNSON

Bill Johnson recently retired from the Rockport School system after 35 years of service.

ACTION

Selectman Barletta and Chairman Tieri attended the Action Annual Meeting.

8:43 Recess

8:45 DPW Commissioners

DPW
REPORT

Quarterly Report:

DPW Director, John Tomasz, reviewed a list of twenty-two items that have recently been addressed by the DPW. The Saratoga Creek Bridge is substantially complete, Penzance Road has been cleared, and the cost to renovate the Front Beach restrooms will be ready for Fall Town Meeting. The DPW Commissioners voted 2-0 to remove the porta-potties at Front Beach. Directional signs will be placed at Front Beach to point out where other restrooms are located. The ADA elevator at Town Hall is still in the planning stages. The contract for the DPW yard work will be awarded after July 1st, the Town's water supply is at 96% capacity, most of the odors have been eliminated from the Wastewater Plant, and a bid has been received to reline the outfall pipe. The DPW budget should be within the available appropriations with the exception of electrical and gas/diesel expenses. It was suggested that the FY05 budget be adjusted to include the high cost of fuel. The maintenance of parks, beaches and cemeteries has been a challenge due to lack of seasonal help, and the Flat Ledge Quarry is back in the appeal process. In the next few months the DPW will lose 4 valuable qualified workers, 2 because of retirement and 2 because they have sought employment elsewhere. There was a second notice sent to the DEP informing them that Waste Water Treatment Plant has exceeded its effluent flow limits for 90 consecutive days. The FY04 and FY05 budget does not include funding for maintenance of the new police station. There have been spot checks at the transfer station and approximately 50-60 vehicles a day have been stopped for not having a sticker. Mr. Tomasz pointed out that the DPW will only be able to provide minimal property maintenance at the Schools because of budget constraints and the Watershed Protection Committee has done a great job finalizing their work on Millbrook Wellhead Protection grant. The Ad Hoc Water Committee has commenced a 50-year water resource plan and continues to provide support for the Flat Ledge project. Dewberry Engineering is finalizing the location for exploratory deep bedrock wells. The DPW continues to work on meeting the Consent Order and the Town's water vulnerability assessment has been completed. Tree maintenance and tree trimming has continued to be a problem because of the lack of funding and an injured tree warden.

CONCERNS &
REQUESTS

Concerns and requests presented by the Board included a published schedule of events for clean-up, a solution to the storm water run-off from Squam Hill, sidewalks from Granite Street up Squam Hill Road, sidewalk repairs on Mill Lane and Union Lane and the phasing out of repairs to private ways.

9:10 Discontinuance of Route 127:

DPW Director, John Tomasz, referred to a letter forwarded to the Board regarding the discontinuance of Route 127 as a State Highway. He explained that prior to the Town and

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the City of Gloucester accepting the road, major work would be requested of the State in an effort to improve sidewalks and traffic flow. Dave Knowlton, DPW Commissioner, explained that the letter defines what both communities wanted done to the road; it did not commit the Town to anything.

ROUTE 127

9:18 Selectman Barletta moved, Selectman Weaver seconded to approve the request for proposed discontinuance of Route 127 in a letter dated May 28, 2004 providing there is no obligation or commitment from the Town. Vote 5-0.

APPROVED

Selectman Weaver pointed out that drainage issues under Route 127 would still need to be worked out.

9:19 Selectman Weaver left the meeting.

Alan Battistelli

Interview for Reappointment to Zoning Board of Appeals:

Alan Battistelli stated that he has enjoyed nine years on the Zoning Board of Appeals and considers his presence there as a way of giving back to the Town. He recuses himself from discussion and voting when a client or a project that he is involved with comes before him. He pointed out that his background in the construction field is beneficial to the Board of Appeals. When people come before the Board of Appeals Mr. Battistelli feels that the most important thing is that they are treated with dignity and respect. Each petition that comes forward is scrutinized and treated fairly. Mr. Battistelli contacted the Ethics Board and received a ruling regarding his involvement in the Chapter 40B project proposed for Great Hill. He explained that he would not speak on the project and planned on taking a leave of absence from the Board when the project is discussed.

ALAN
BATTISTELLI

Mr. Battistelli responded to questions from the Board regarding site plan deviations at the greenhouse on King Street, the demolition of a house on 11 Beach Street and his appearance before the Conservation Commission. Mr. Battistelli put a time line of events together regarding the demolition of 11 Beach Street and provided copies to each of the Board members just prior to the meeting. Selectman Clark wanted more time to review the recently submitted information before making a decision on reappointing Mr. Battistelli to the Board of Appeals.

9:59 It was the consensus of the Board that it would not nominate at this meeting, but would waive its policy at the next regularly scheduled meeting and nominate and appoint at the same meeting making a decision on the reappointment of Alan Battistelli to the Board of Appeals in two weeks.

CONSENSUS

10:00 Selectman Weaver joined the meeting.

Action List

Old Garden Beach Area Parking Restriction:

The Town Administrator explained that the Board held a public hearing on a petition brought forward by the Old Garden Beach Association regarding parking restrictions. The Traffic Committee reviewed the restrictions already in place in the area and the Police Chief made a recommendation to change the restrictions to be in effect from May 1st through October 1st. The problems with parking and divers in the Old Garden Beach area were discussed at length. It was decided that stricter enforcement of the current

OLD GARDEN
BEACH AREA

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regulations might resolve some of the problems. Steve Walkinshaw, Smith Street, pointed out that when stricter parking restrictions are enforced it simply pushes the problem to other areas.

It was decided that the Town Administrator would speak with the Chief of Police about stricter enforcement of the current parking restrictions in the area of Old Garden Beach.

Selectman Clark moved, Selectman Weaver seconded to table the decision of Parking in the Old Garden Beach area and recommend stricter enforcement of current restrictions for the next three weeks and then request that the Police Chief report back to the Board regarding the parking situation. Vote 5-0.

10:55 Chamber of Commerce Visitor's Kiosk at Barletta Park – Lease Fee:

The Town Administrator reviewed a memorandum to the Board dated June 17, 2004 recommending a lease fee of \$100 for the space for the Rockport Chamber of Commerce Board of Trade to place a visitor's kiosk at Barletta Park and that the DPW be contacted about placement of the kiosk.

Toby Arsenian, Granite Street, objected to the lease fee stating that the amount was totally impractical and commercial rates should apply.

Selectman Barletta moved, Selectman Clark seconded to direct the Town Administrator to prepare a lease and that the fee be set at \$100 for the Rockport Chamber Board of Trade to place a visitor's kiosk at Barletta Park for a period of three months.

Selectman Weaver amended the motion, Selectman Clark accepted the amendment to include that the chamber provide a reasonable attempt to restore the area as it was after the kiosk is removed and that the lease period be from July 1st through the weekend after Columbus Day. Vote 5-0.

Dissolve Police Station Building Committee:

The Town Administrator explained that he had been in contact with many of the members of the Police Station Building Committee and felt that it was time to dissolve the committee. There is a small punch list of items to be completed but the DPW Director and the Police Chief are capable of finishing the job.

Selectman Weaver stated that the original charge had been completed and that it was time to dissolve the committee, as the building had already been turned over to the Town. Selectman Clark stated that he thought the proper thing to do would be to have the Committee in for an exit interview prior to dissolving the Committee.

Selectman Weaver moved, Chairman Tieri seconded to dissolve the Police Station Design and Building Committee and send each member a letter of thanks for their excellent work effective June 29th and request that a final report be forwarded to the Board of Selectmen's Office.

Selectman Weaver amended the motion to schedule an exit interview for the Police Station Building and Design Committee at the next regularly scheduled meeting of the Board of Selectmen, July 6, 2004. Vote 5-0.

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11:14 Granite Pier Ramp and Parking Fees:

John Krenn, Granite Pier Committee member, presented the Board with a proposal dated June 9, 2004 for collecting fees at Granite Pier when there was no attendant on duty. The honor system would be utilized with a lock box. The fee would be a flat rate of \$10 for daily launch and parking for both residents and visitors. Compliance would be monitored and failure to comply might result in loss of ramp privileges.

GRANITE
PIER FEES

Selectman Clark moved, Selectman Wile seconded to adopt the recommendations of the Granite Pier Committee for new ramp and parking fees as detailed in their letter of June 9, 2004. Vote 5-0.

ADOPTED

Steven VanDewerken requested that a sign be placed at five corners advising there is a public boat ramp at Granite Pier.

SIGN11:20 Insurance Waiver for School Building use – Theater in the Pines:

The Town Administrator explained that a request to waive the \$1 million dollar liability insurance policy to use School Buildings had been received from the Theater in the Pines. When the original policy of the liability insurance for the schools had been made there was a clause stating that the Board of Selectmen could waive the fee if it was so inclined. Superintendent DiTullio had been contacted and had no objection to waiving the fee.

INSURANCE
WAIVER

Selectman Barletta moved Selectman Clark seconded to waive the \$1 million dollar liability insurance policy requirement for the use of the School Buildings and allow "Theater in the Pines" to use the building with their existing \$500,000 policy subject to any other conditions of the School Committee. Vote 5-0.

WAIVED

Alan Macmillan, Mt. Pleasant Street, stated that he attended a performance at the School and actors were allowed to smoke on stage as part of the performance even though there is no smoking on school grounds.

NO
SMOKINGOther Announcements/Business:

Chairman Tieri announced there would be a workshop meeting for the Board of Selectmen scheduled for Wednesday, June 30, 2004 in the Trustees Room of the Rockport Public Library starting at 6:00 PM.

WORKSHOP

The following items were signed: 1) General License to tell fortunes for Annette Dion, NEW ENGLAND MAGIC 2) Hawkers & Peddlers' Licenses to sell novelties & balloons at the 4th of July Parade for Robert A. Orlando, Mary Ellen Ingersoll, Thomas Sharpiro, Paul F. Ryan, Jr., & Peter A. Burns, Mark Doucette 3) Common Victuallers License for Sally D. Takehawa, HULA MOON.

ITEMS
SIGNED

Warrants were signed for Payroll and Expenses for the week of June 24, 2004 in the amounts of \$282,772.83 and \$413,543.37 respectively.

WARRANTS

11:27 Selectman Clark moved, Selectman Weaver seconded to adjourn. Vote 5-0.